

Remarks

Applicants apologize to the Examiner for submitting the improperly numbered claims. The Applicants appreciate the Examiner's efforts to renumber the claims and deal with the application on its merits. Thank you.

The drawings have been amended and a new sheet containing Figures 3a, 3b, and 4 is presented. In Figure 3a, item number 13 had previous been identified as 3' (three prime). The prime mark has been removed.

Referring to paragraph 1 of the Office Action, Applicants have amended the specification to correct a typographic error regarding reference numeral 13" on page 12. No new matter has been added by this change to the specification. As such, Applicants submit the rejection of the specification in paragraph 1 is now moot.

Referring to paragraph 2 of the Office Action, claims 26, 27, 29, 30, 33-35 and 39 were rejected under section 112 as being indefinite. Without any intent to create an estoppel or otherwise admit the appropriateness of this rejection, applicants are canceling a series of these claims in order to speed passage of the case to issuance. In particular, applicants have now amended the claims to cancel claims 26, 27, 29, 30, 33-35. The rejection of claim 39 was derived from the rejection of claim 37 discussed in more detail below. As such, applicants have not amended or canceled claim 39.

Referring to paragraph 3 of the Office Action, claims 37, 38, 40 and 41 were rejected under section 103 as unpatentable over applicants' disclosure in view of Alt. Applicants traverse this rejection and provide the following comments. Alt merely teaches the use of electro-machining to

“attack sharp edges in corners in the tube structure for considerably greater removal of material at those points than elsewhere.” Alt column 6, lines 31-34. Alt continues and says such a technique results in a desirable rounding and smoothing of all sharp corners and edges “which creates a rounded, preferably oval shaped cross section”. Alt column 6, line 37. As such, applicants submit Alt fails to disclose invention found in claims 37, 38, 40 and 41. That is, Alt merely discusses that the edges of the stent may be rounded and preferably oval by an electro-machining process. Alt fails to disclose the invention of claim 37, Alt fails to disclose machining a stent such that the stent strut ultimately has a top side, a bottom side, a right side and a left side, where in the top side joins the left and right sides through a smooth rounded edge, where in the top side is substantially flat. Notably, a stent having a oval cross section as specifically taught by Alt would not have a top side which is substantially flat. As such, applicants submit the combination of applicants disclosure in view of Alt fails to render the invention of claim 37. As such, applicants submit this rejection should be withdrawn and the claims allowed.

Referring to paragraph 4 of the Office Action, claims 20-41 were rejected under section 103 as unpatentable over Summers in view of Alt. Applicants likewise traverse this rejection. Summers is cited merely because it discusses a stent having a rectangular cross section. This, was already disclosed in applicants disclosure, as noted with rejection above. Likewise, Alt as noted above, merely discusses the use of an electro-machine process to round off and smooth all sharp edges and corner of a stent so as to create “a rounded, preferably oval shaped cross section” Alt column 6, line 36. Alt, even combined with Summers, would create a stent having a “preferably oval shaped cross section” there is no specification recitation in Alt even when combined with Summers that some or all of the straight surfaces found in the original stent strut would remain straight. As noted above, Alt

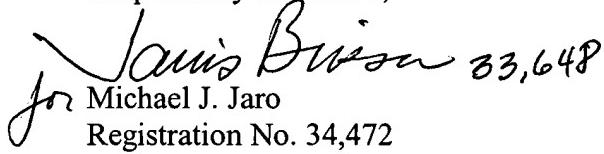
specifically teaches all of the edges and surfaces of a stent strut according to the Alt teaching would be caused to become rounded, preferably oval. As such, applicants submit the combination of Summers with Alt fails to teach the invention found in claims 20, 31 or 37. As such, applicants submit the claims as currently amended should now be allowed.

Conclusion

Applicants submit all the claims are now in condition for an allowance in P105 CON 3. The Examiner is encouraged to call the undersigned to resolve any issues in order to speed passage of the case to issuance.

Dated this 4th day of September 2003.

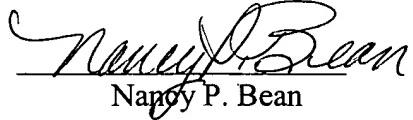
Respectfully submitted,


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Date: September 4, 2003


Nancy P. Bean